

### REMARKS

The Examiner rejected claims 1 and 11 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 86 of copending Application No. 10/913,650. The Applicant is enclosing herein a Terminal Disclaimer to overcome the double patenting rejection.

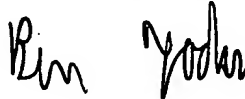
The Examiner rejected claims 1-19 under 35 U.S.C. §103(e) as being unpatentable over Ghodoussi. To anticipate a claim, all of the limitations of the claim must be found in the four corners of the reference. Claims 1 and 11 each recite transmitting a sound of a patient from a robot to a remote station. Ghodoussi does not disclose this limitation. The Examiner has cited paragraphs [0007, 0029 and 0033] to support his position that Ghodoussi discloses transmitting sound of a patient to a remote station. These sections are actually discussing voice commands from a surgeon at the remote station into the remote station. The voice commands are not transmitted to the robotic arms at the surgical site. For example, para. [0033] states that "the control unit 50 or 52 may further have a microphone (not shown) to accept voice commands. One or more voice commands may be used to move the endoscope." The voice commands are interpreted by the remote station into commands that are transmitted to the robotic arms. The voice commands themselves are not transmitted from the control units 52 to the robotic arms. Ghodoussi does not disclose moving a robot to be near a patient and then transmitting an image of a patient and a sound of a patient from the robot to the remote station as recited in the claims of the above entitled application. Consequently, Ghodoussi does not anticipate claims 1-19 of the above entitled application.

In view of the above, it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 1-19 at an early date is solicited.

Respectfully submitted,

IRELL & MANELLA LLP



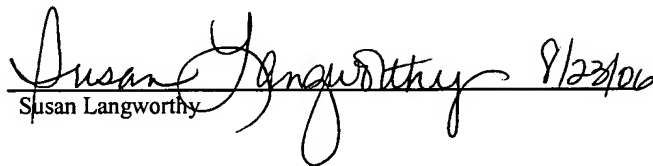
Dated: August 23, 2006

Ben Yorks, Reg. No. 33,609

840 Newport Center Drive  
Suite 400  
Newport Beach, CA 92660  
(949) 760-0991

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on August 23, 2006.

  
Susan Langworthy